

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA,
-vs-

GOGOLACK ET AL.,
Defendants.

NOTICE OF MOTION FOR
NON-DISPOSITIVE PRETRIAL
RELIEF

23-CR-00099

MOTION MADE BY: Cheryl Meyers Buth and Mark Foti, attorneys for Peter Gerace, Jr.; Donald Thompson and George Muscato, attorneys for John Ermin; Daniel Henry and Frank Bogulski, attorneys for Howard Hinkle

DATE, TIME, AND PLACE May 21, 2025, at 10:00 a.m. or at a date and time determined by the Court, Robert H. Jackson Courthouse, 2 Niagara Square, Buffalo, NY 14202

SUPPORTING PAPERS Memorandum in Support

RELIEF REQUESTED:

- A. Motion for a Bill of Particulars
- B. Motion to Strike Surplusage
- C. Motion for Rule 12 Notice
- D. Motion for Rule 16 Discovery
- E. Motion for Disclosure of Grand Jury Recordings
- F. Motion for Prompt Disclosure of Brady Material and Information
- G. Motion for Early Disclosure of Jencks Material

H. Motion for Change of Vicinage

I. Motion for Severance

J. Motion for Preservation of Rough Notes and Other Evidence

K. Motion for F.R.E. 404(B), 608 & 609 Notice and Evidence

L. Motion to Reveal Identity of Informant(S)

M. Motion for Leave to Join in Co-Defendant's Motions

N. Motion for Leave to Make Other Pretrial Motions

Please Note: Oral Argument and Reply Briefing Requested.

Respectfully submitted,

DATED: Orchard Park, New York
April 16, 2025

s/ Cheryl Meyers Buth
Cheryl Meyers Buth, Esq.
MEYERS BUTH LAW GROUP, PLLC
Attorneys for Defendant Peter Gerace, Jr.
21 Princeton Place, Suite 105
Orchard Park, New York 14127
(716) 508-8598
cmbuth@mblg.us

DATED: Rochester, New York
April 16, 2025

s/ Mark A. Foti
Mark A. Foti, Esq.
THE FOTI LAW FIRM, P.C.
Attorneys for Defendant Peter Gerace, Jr.
16 W. Main Street – Suite 100
Rochester, New York 14614
(585) 461-1999
mark@fotilaw.com

DATED: Rochester, New York
April 16, 2025

s/ Donald M. Thompson
Donald M. Thompson, Esq.
EASTON THOMPSON KASPEREK
SHIFFRIN LLP
Attorneys for Defendant John Ermin
16 W. Main Street – Suite 243
Rochester, New York 14614
(585) 423-8290
dmthompson@etksdefense.com

DATED: Lockport, New York
April 16, 2025

s/ George V. C. Muscato
George V. C. Muscato, Esq.
MUSCATO & VONA, LLP
Attorneys for Defendant John Ermin
107 East Avenue
Lockport, New York 14094
(716) 434-9177
georgemuscato@gmail.com

DATED: Hamburg, New York
April 16, 2025

s/ Daniel J. Henry
Daniel J. Henry, Jr., Esq.
Frank Bogulski, Esq.
Attorneys for Howard Hinkle
16 Main Street
Hamburg, New York 14075
(716) 648-0510
dhenry@villariniandhenry.com

CERTIFICATE OF SERVICE

I hereby certify that, on April 16, 2025, this motion and its attached memorandum are served on all counsel of record by electronically filing the submission with the Clerk of the United States District Court for the Western District of New York using the Court's Case Management/Electronic Case Filing system.

DATED: April 16, 2025
Rochester, New York

s/Mark A. Foti

Mark A. Foti, Esq.